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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/520,868

01/11/2005

Gerrit Hollemans

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06/05/2007

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

AMINZAY, SHAIMA Q

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

06/05/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/520,868

Applicant(s)

HOLLEMANS ET AL.

Examiner

Shaima Q. Aminzay

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawing Objections

1. The drawings, Figures 6-7 are objected to because they are not descriptive. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1-7 are objected under 37 CFR 1.75(c) as being improper, in independent claims 1, 3, 4, and 6, the phrase "transceiver conceived for communicating wirelessly", should change to "-- transceiver communicating wirelessly --". Applicant's correction is required.

Specification title Objections

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Specification Objections

4. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.

- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 5, and 7 are rejected under 35 U.S.C.112 second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 5, it is not clear the term “health coach”, claim 5 is dependent of independent claim 4, and the term “health coach” is not part of the limitations of the independent claim 4, therefore, the dependent claim 5 is indefinite.

Regarding claim 7, it is not clear the term “video camera”, claim 7 is dependent of independent claim 6, and the term “video camera” is not part of the limitations of the independent claim 6, therefore, the dependent claim 7 is indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-4, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ukita (Ukita et al., European patent application No. EP 1 093 272 A2).

Regarding claim 1, Ukita discloses a method for communicating wirelessly between a first device and a second device (*see for example Figure 2, paragraph [18], lines 2-6, the device 2 (first device) and device 7 (second device) are communicating wirelessly*), characterized in that the method comprises a first step of providing a wireless communication key (*see for example Figure 2, paragraph [16], lines 1-13, [17], lines 1-9, [18], lines 1-15, provide with the special wireless communication card (key)*), comprising a first transceiver conceived for communicating wirelessly with a second transceiver included in the second device (*see for example Figure 2, paragraph [16], lines 1-13, [17], lines 1-9, [18], lines 1-15, the first device (2) transceiver communicating wirelessly with the second device (7) transceiver*), a second step of operatively attaching the wireless communication key to the first device (*see for example Figure 2, paragraph [16], lines 1-13, [17], lines 1-9, [18], lines 1-15, for wireless operation the special wireless communication card 6 (key) is attached to the first device (2)*), a third step of the first device utilizing the attached wireless communication key for establishing wireless communication between the first device and the second device (*see for example Figure 2, paragraph [16], lines 1-13, [17], lines 1-9, [18], lines 1-15, the attached special wireless communication card 6 (key) is being used by the first device (2) for wireless communication with the second device (7)*).

Regarding claim 3, Ukita discloses a method for communicating wirelessly between a first device and a second device (*see for example Figure 2, paragraph [18], lines 2-6, the first device (2) and the second device (7) are communicating wirelessly*), characterized in that the method comprises a first step of providing a first wireless communication key and a second wireless communication key (*see for example Figure 2, paragraph [16], lines 1-13, [17], lines 1-9, [18], lines 1-15, [19], lines 1-11, the first wireless communication device with special wireless communication card 6 (first key), and the second wireless communication device with special wireless communication card (with antenna 10) are provided*), each one of said keys comprising a transceiver conceived for communicating wirelessly with the transceiver included in the other key (*see for example Figures 1-2, paragraph [16], lines 1-13, [17], lines 1-9, [18], lines 1-15, [19], lines 1-11, both of the devices (2 and 7) special communication cards are provide with an RF transceivers for wirelessly communications*), a second step of operatively attaching the first wireless communication key to the first device and the second wireless communication key to the second device (*see for example Figure 2, paragraph [16], lines 1-13, [17], lines 1-9, [18], lines 1-15, [19], lines 1-11, the first wireless communication device with special wireless communication card 6 (first key), and the second wireless communication device with special wireless communication card (with antenna 10) are attached to the first (a) and second (7) devices*), a third step of the first device and the second device utilizing said respective attached wireless communication keys for establishing wireless communication between the first device and the second device (*see for example Figure 2, paragraph [16], lines 1-13, [17], lines 1-9, [18], lines*

1-15, [19], lines 1-11, the second wireless communication device (7) utilizing the connected special wireless communication card (with antenna 10) for communications with the first wireless communication device (2)).

Regarding claim 4, Ukita discloses a system arranged for communicating wirelessly between a first device and a second device (*see for example Figure 2, paragraph [18], lines 2-6, the first device (2) and the second device (7) are communicating wirelessly*), characterized in that the system comprises a wireless communication key (*see for example Figures 1-2, paragraph [16], lines 1-13, [17], lines 1-9, [18], lines 1-15, [19], lines 1-11, the system devices are provided with the special wireless communication keys (cards)*), comprising a first transceiver conceived for communicating wirelessly with a second transceiver included in the second device (*see for example Figure 2, paragraph [16], lines 1-13, [17], lines 1-9, [18], lines 1-15, the first device (2) transceiver communicating wirelessly with the second device (7) transceiver*), first means for operatively attaching the wireless communication key to the first device (*see for example Figure 2, paragraph [16], lines 1-13, [17], lines 1-9, [18], lines 1-15, for wireless operation the special wireless communication card 6 (key) is attached to the first device (2)*), second means for the first device utilizing the attached wireless communication key for establishing wireless communication between the first device and the second device (*see for example Figure 2, paragraph [16], lines 1-13, [17], lines 1-9, [18], lines 1-15, the attached special wireless communication card 6 (key) is being used by the first device (2) for wireless communication with the second device (7)*)).

Regarding claim 6, Ukita discloses a system arranged for communicating wirelessly between a first device and a second device (*see for example Figure 2, paragraph [18], lines 2-6, the first device (2) and the second device (7) are communicating wirelessly*), characterized in that the system comprises a first wireless communication key and a second wireless communication key (*see for example Figure 2, paragraph [16], lines 1-13, [17], lines 1-9, [18], lines 1-15, [19], lines 1-11, the first wireless communication device with special wireless communication card 6 (first key), and the second wireless communication device with special wireless communication card (with antenna 10) are provided*), each one of said keys comprising a transceiver conceived for communicating wirelessly with the transceiver included in the other key (*see for example Figures 1-2, paragraph [16], lines 1-13, [17], lines 1-9, [18], lines 1-15, [19], lines 1-11, both of the devices (2 and 7) special communication cards are provide with an RF transceivers for wirelessly communications*), first means for operatively attaching the first wireless communication key to the first device (*see for example Figure 2, paragraph [16], lines 1-13, [17], lines 1-9, [18], lines 1-15, [19], lines 1-11, the first wireless communication device with special wireless communication card 6 (first key)*), second means for operatively attaching the second wireless communication key to the second device (*see for example Figure 2, paragraph [16], lines 1-13, [17], lines 1-9, [18], lines 1-15, [19], lines 1-11, and the second wireless communication device with special wireless communication card (with antenna 10) are attached to the first (a) and second (7) devices*), third means for the first device and the second device utilizing said respective

attached wireless communication keys for establishing wireless communication between the first device and the second device (*see for example Figure 2, paragraph [16], lines 1-13, [17], lines 1-9, [18], lines 1-15, [19], lines 1-11, the second wireless communication device (7) utilizing the connected special wireless communication card (with antenna 10) for communications with the first wireless communication device (2).*

Regarding claim 2, Ukita teaches all the limitations of claim 1, and further, Ukita teaches characterized in that the wireless communication key contains a unique identification (*see for example Figures 1-2, paragraph [5], lines 1-5, [8], lines 1-4, [9], lines 1-12, [13], lines 1-5, [16], lines 1-13, [18], lines 1-15, [19], lines 1-11, the special communication card is provided with special identification and authentication*) and the third step comprises a sub-step of communicating this identification to the first device and the second device for purposes of identification and/or authorization (*see for example Figures 1-2, paragraph [5], lines 1-5, [8], lines 1-4, [9], lines 1-12, [13], lines 1-5, [16], lines 1-13, [18], lines 1-15, [19], lines 1-11, the special communication card is provided with special identification and authentication for the communications between the first (2) and second (7) devices).*

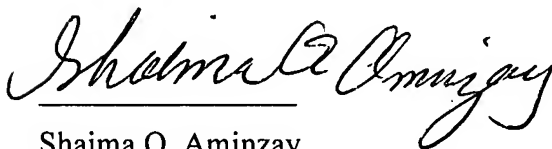
Conclusion

The prior art made of record considered pertinent to applicant's disclosure, see PTO-892 form.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 571-272-7874. The examiner can normally be reached on 7:00 AM -4:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew D. Anderson can be reached on 571-272-4177. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shaima Q. Aminzay

(Examiner)

May 26, 2007



MATTHEW ANDERSON
SUPERVISORY PATENT EXAMINER